

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, June 19, 2003

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, June 19, 2003, at 3:00 p.m., at Police Headquarters – Rm. 328-A, 1300 Beaubien, Detroit, MI 48226.

ATTENDANCE

Board Members Present

Megan Norris
Willie E. Hampton
Arthur Blackwell, II (**ABS**)
Erminia Ramirez
Edgar L. Vann, Jr.

Department Personnel Present

Chief Jerry A. Oliver, Sr.
AC Ella Bully-Cummings
AC Walter Shoulders
AC Timothy Black
Sgt. Debbie Jackson
PO Irvette Reed
PO Reggie Crawford
Civ. DC Pamela Evans
Civ. DC Tara Dunlap
Atty. Nancy Ninowski

Board Staff Present

Dante' L. Goss, Executive Director
Denise R. Hooks, Attorney/Supv. Investigator
Arnold Sheard, Interim Chief Investigator
E. Lynise Bryant-Weekes, Personnel Director

RECORDERS

Jerome Adams
Kellie Williams

OTHERS PRESENT

Ms. Walters
Ron Scott
Phillip Craccioholo
Star Ellen Carter
Bernice Smith
Sheryl Robinson

1. CALL TO ORDER

Chairperson Norris called the regular meeting of the Detroit Board of Police Commissioners to order at 3:20 p.m.

I understand Chief Oliver will be with us shortly, along with the monitor who will be presenting to us today.

2. APPROVAL OF MINUTES

- **Thursday, June 12, 2003 (Special Meeting)**

MOTION: Commissioner Norris made the motion to approve the Minutes.

SECOND: Commissioner Hampton seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

RESOLUTION HONORING INSPECTOR KRYSTAL HARRIS

WHEREAS On May 16, 2003, Inspector Krystal Harris, of the Communications Operations Section, retired from the Detroit Police Department after thirty (30) years of exemplary service to the citizens of Detroit; and

WHEREAS Inspector Harris was appointed to the Detroit Police Department as a Police Officer on December 24, 1972; and

WHEREAS Upon graduation from the Detroit Police Academy, Police Officer Harris was assigned to the First Precinct; and

WHEREAS Officer Harris' other assignments included the Headquarters Bureau, the Special Crimes Youth Crime Unit, Headquarters Surveillance, the Seventh Precinct, the Tenth Precinct, and the Training Section; and

WHEREAS On January 10, 1986, Officer Harris was promoted to the rank of Sergeant, and returned to the Training Section; and

WHEREAS Sergeant Harris was promoted the Lieutenant on October 9, 1987, and remained at the Detroit Metropolitan Police Academy. Her other assignments as a Lieutenant included the Recruitment Division, Labor Relations Section, and the Disciplinary Administration Section; and

WHEREAS Lieutenant Harris was appointed to the rank of Inspector on January 22, 1999, and was assigned to the Detroit Metropolitan Police Academy as its Commanding Officer. Her other assignment at the rank of Inspector was the Communications Operations Section; and

WHEREAS Inspector Harris is a graduate of Wayne State University and has received her four-year bachelor's degree. She is also a graduate of the Northwestern University of Police Staff and Command and the Federal Bureau of Investigation National Academy, and

WHEREAS During her career, Inspector Harris was the recipient of the GOP Commemorative Award, (1) Chief Merit Award, (4) Chief's Unit Awards, (2) Perfect Attendance Awards, and numerous letters of commendations from citizens and superiors; and

NOW, THEREFORE BE IT

RESOLVED That the Board of Police Commissioners, speaking for the citizens of the City of Detroit and the Detroit Police Department acknowledge the loyalty, honesty, and professionalism of Inspector Harris. Her 30 years of selfless service and commitment merit our highest regard and best wishes for continued success.

We salute and congratulate you, Inspector Harris.

**DETROIT BOARD OF POLICE COMMISSIONERS
JUNE 19, 2003**

/s/ Megan P. Norris
Chairperson

/s/Willie Hampton
Vice Chairperson

/s/Arthur Blackwell
Commissioner

/s/Edgar L. Vann, Jr.
Commissioner

/s/Erminia Ramirez
Commissioner

MOTION: Commissioner Norris made the motion to adopt the Resolution.

SECOND: Commissioner Hampton seconded the motion.

VOTE: All in attendance voted in the affirmative.

**RESOLUTION HONORING
LIEUTENANT DAVID SYLVESTER**

WHEREAS David Sylvester was appointed to the Detroit Police Department on March 6, 1972. Upon graduation from the Detroit Police Academy, he was assigned to the Tactical Mobile Unit; and

WHEREAS Police Officer Sylvester also served at the Fifth Precinct, where he worked until October 23, 1978, when he was transferred to the Mini Station Administration Unit. He then was assigned to the Traffic Enforcement Unit on February 20, 1980, until transferring to the Seventh Precinct on November 14, 1983; and

WHEREAS Officer David Sylvester was promoted to the rank of Investigator on June 28, 1985, and was assigned to the Twelfth Precincts, Investigative Operations Section; and

WHEREAS Investigator Sylvester was promoted to the rank of Sergeant on April 18, 1986, and reassigned to the Twelfth Precinct, Investigative Operations Section; and

WHEREAS On February 23, 1994, Sergeant Sylvester was promoted to the rank of Lieutenant and assigned to the Eleventh Precinct, where he remained until his retirement; and

WHEREAS During his career, Lieutenant Sylvester has received the GOP Commemorative Award, (4) Department Citations, (4) Lifesaving Awards, (14) Citations, (3) Chief's Merit Awards,

(3) Chief's Unit Awards, (2) Perfect Attendance Awards, (3) Safe Driving Awards, (4) City Council Awards, (2) Spirit of Detroit Awards, (2) State Senate Resolutions, and numerous letters of commendations from supervisors and citizens.

NOW, THEREFORE BE IT

RESOLVED

That the Detroit Board of Police Commissioners, speaking for the citizens of the City of Detroit and the Detroit Police Department acknowledge the integrity, honest and professionalism of Lieutenant David Sylvester. His 31 years of commitment to community, and professionalism merits our highest regard and best wishes for her continued success.

We salute and congratulate you, Lieutenant David Sylvester.

**DETROIT BOARD OF POLICE COMMISSIONERS
JUNE 19, 2003**

/s/ Megan P. Norris
Chairperson

/s/Willie Hampton
Vice Chairperson

/s/Arthur Blackwell
Commissioner

/s/Edgar L. Vann, Jr.
Commissioner

/s/Erminia Ramirez
Commissioner

MOTION: Commissioner Norris made the motion to adopt the Resolution.

SECOND: Commissioner Hampton seconded the motion.

VOTE: All in attendance voted in the affirmative.

4. SECRETARY REPORT – EX. DIR. GOSS

On June 18, 2003, **Police Officer Jerry McNeal**, badge 2849, assigned to the Seventh precinct was suspended **without pay** by Chief Jerry A. Oliver, Sr.

On March 13, 2003, at approximately 4:15 p.m., on-duty Officer McNeal, was operating a Detroit Police Department fully marked scout car responding to a routine police run regarding "a disturbance" involving children throwing snowballs

at moving vehicles. In responding to the police run, Officer McNeal was traveling eastbound on Lafayette at approximately forty-eight (48) MPH in a posted thirty (30) MPH zone. The emergency lights of the fully marked scout car were not activated; the emergency siren of the fully marked scout car was not activated. At the intersection of Lafayette and St. Aubin, Officer McNeal proceeded through a red traffic light, without breaking. In so doing, the fully marked scout car collided with the front passenger side of a vehicle traveling southbound on St. Aubin. The elderly couple in the vehicle traveling southbound on St. Aubin were conveyed to Detroit Receiving Hospital where they were pronounced dead on arrival. Officer McNeal was also conveyed to Detroit Receiving Hospital where he was examined and released.

On June 6, 2003, after extensive investigation, a warrant request was submitted to the Wayne County Prosecutor's office. On that same date, a two-count felony warrant was issued charging Officer McNeal with "Negligent Homicide." Officer McNeal was then suspended with pay and was conveyed to 36th District Court for his arraignment before Magistrate Margaret Baylor. A plea of not guilty was entered on his behalf, and a personal bond of \$50,000.00 was set.

Based on the above circumstances, it is recommended that Officer McNeal be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF GENERAL ORDER 72-17, SECTION K, SUBSECTION 65.

Atty. Goldpaugh stated I would like to point out the reading of the petitioners, I assume the statement that was indicated that he was charged with a two count felony warrant and that's incorrect. It is actually a misdemeanor, a circuit court misdemeanor and the statute reads it is under MCL 750.324, which says basically after the initial part: "Shall be guilty of a misdemeanor punishable by imprisonment for up to two (2) years."

I was informed of this yesterday, when I received the information and I contacted the office and I assumed that that correction would have been made because this is not a felony. That is important because as you are all aware, if this was a felony I would not be standing here. However, this is not a felony and it does not reach to the level, which would mandate any type of suspension at this time. I say that because this Board itself has maintained individuals on the Detroit Police Department while they were under charges for negligent homicide, this Board as well as its predecessor. There was a case of Officer Robert Gadwell, initially there was a petition brought before the Commission a number of years ago. It was determined at that time, that a negligent homicide charge, a mere charge of negligent homicide, with a similar in nature to this, because there were

allegations in that case as well, that the headlights were not on and the siren wasn't on. That is all they are, are allegations. In that case Officer Gadwell was not suspended without pay and in fact, maintained his employment and maintained his active duty on the job while he was undergoing the criminal process, he was eventually vindicated and he was acquitted, which goes to show that these are only allegations.

Secondly, with respect to Officer Fickett, he was also charged with negligent homicide for an accident that occurred while he was on duty. Again similar in nature here, these are again only allegations. The Fickett case was more attuned to the matter before this Board because in the Fickett case it was also alleged that there was a collision at an intersection of a red light. Unlike the Gadwell, where in the Gadwell case a lady pulled out, while he was proceeding to a run. In the Fickett case that was before this Board and he was not suspended. In fact, I don't believe that that suspension was brought, I can't guarantee that it was and I apologize for that. I do know that Gadwell's was because I argued it.

Chairperson Norris asked when those two cases occur at that time, was that charge punishable by up to two (2) years?

Atty. Goldpaugh stated this charge has always been the same charge.

Chairperson Norris asked do you know when those two cases were?

Atty. Goldpaugh stated the Gadwell case occurred about four (4) or five (5) years ago. I would also like to point out in the Gadwell case that the Department also brought departmental charges against him and he was acquitted of all departmental charges as well.

Chairperson Norris asked approximately when was the Fickett case?

Atty. Goldpaugh stated the Fickett case occurred about a one and a half (1½) years ago or two (2) years ago. I guess that is why it goes to show exactly why there should be no suspension at this time, with respect to officer Fickett he maintains his employment, I believe he was kept inside.

Chairperson Norris asked so it was a change of assignment?

Atty. Goldpaugh stated a change of assignment, but he was still on the payroll because he was still working inside.

Chairperson Norris asked was a suspension brought and the Board contravened it or no suspension was brought?

Atty. Goldpaugh stated I don't believe that a suspension was ever brought, but I can't guarantee it. I would point out to you that that information and the fact that Officer Fickett was under criminal charges for negligent homicide was known to this Board and was known to the Board and the Department because of the investigation. Only after the conviction, then they came before this Board and asked that he be suspended without pay. I believe that you concurred in that, but I don't know what the next step was. But that at least shows more than just mere allegations. When you look at the charge and you look at the nature of negligent homicide, we are not dealing with a **Poullard** situation, where the officer was originally charged with manslaughter and then plead no contest to a negligent homicide case. But we are looking here at mere allegations against this officer and when you look at what has to be proven from a criminal standpoint, it basically says: "If I drive my vehicle negligently, I am guilty of a civil infraction, I am not even guilty of a crime." Unfortunately if death results and it could be proven more to it then we end up with this misdemeanor. I would suggest that this is not the type of situation where a suspension without pay is warranted. This Board has already either acquiesced or agreed with that. This does not meet the standards that were set forth.

Atty. Ninowski stated I do apologize to the Board. The department did submit an amended petition that I have in my hand.

Chairperson Norris stated you agree it's a misdemeanor.

Atty. Ninowski stated it is a misdemeanor, yes, a two-year misdemeanor. In any event the department's position is that this conduct is egregious such that a suspension without pay is warranted. And I think the facts that I would argue are no different than what's stated in our petition. So I'm not going to go through those unless you have any questions for me. And the facts, by not doing that I don't want you to think I don't think that the facts aren't important because they are very pivotal in this case. But I want to concentrate on a couple of things that Mr. Goldpaugh has mentioned and that being Officer Fickett and Officer Gadwell. Since those times, we, an arbitration decision has come down. But I think it's very important with respect to suspension without pay cases. And that was in the matter of Lawrence **Poullard**. And if you'll remember, Lawrence **Poullard** was also charged with negligent homicide. In that arbitration decision, and remember a suspension without pay hearing is based on an allegation. An allegation that is serious enough that it has a very serious adverse impact on the community, the community's trust in the department to perform its functions, and the trust that the department would have in that officer to perform his or her functions. Now in the **Poullard** decision arbitrator Alexander indicated that negligent homicide, while it is a two-year misdemeanor, is sufficient and sufficiently related to police functions as to also call for a temporary relationship separation and to warrant a temporary suspension without pay. Now having said that, I would also caution that it's still a case by case review. So, the department's position would be this conduct engaged in by Officer McNeal was egregious.

Chairperson Norris asked do you know if Fickett ever came to this Board?

Atty Ninowski stated Fickett, no to my understanding and I don't have my notes in front of me on Fickett. But I don't believe Fickett originally came before this Board.

Chairperson Norris stated until after the conviction.

Atty Ninowski stated until after he was conviction and that triggered a chance circumstance so that we could bring it before you.

Chairperson Norris stated yep.

Atty. Ninowski stated I'm sorry I didn't misspeak. I have an inter-office memorandum in my hand dated October 28, 2001. It's a petition for suspension without pay of Officer Fickett indicating the facts and circumstances of his July 22nd, 2001 accident. Apparently it was arbitrated.

Chairperson Norris asked and this was contravened?

Atty. Ninowski stated it appears as though they did contravene but I can't say with all certainty that it was contravened or it was withdrawn by the department. I don't know.

Chairperson Norris asked am I right? I think I have this right and I'm sure Mr. Goldpaugh is going to correct me if I'm wrong. If there is a conviction on this, even though the sentence may be less than two years because the penalty is up to two years, this has some affect on the state certification issue but the officer is entitled to a hearing or some appeal of all of that. But in almost all cases that's a procedural right but the officer is decertified.

Atty. Goldpaugh stated my understanding is the same as yours. Yes, that is correct.

Chairperson Norris stated I don't have any other and this is also the accident that got a fair amount of media attention.

Atty Goldpaugh stated yes, it did receive a fair amount of media attention I think on March 14 and 15, the days subsequent to the accident.

Chairperson Norris asked commissioners, do you have any other questions?

Comm. Vann stated I just need to say for the record madam chair that Police Officer Jerry McNeal is a member of my congregation. So for the record I will not

be saying anything, asking any questions of Mr. Goldpaugh, my good friend, or of voting one way or the other. Thank you.

Chairperson Norris stated ok. What that means procedurally effectively is that right now we have three commissioners which just for our executive director means that we will need to give Commissioner Blackwell notice and set a date by which any contravention would have to be registered as we've done in other cases.

Atty. Goldpaugh asked If I may?

Chairperson Norris stated you certainly can.

Atty. Goldpaugh stated thank you. John Goldpaugh again. Two things. First of all, I have to respectfully disagree with the commissioner and with Ms. Ninowski's comments that as a matter of procedure they will all get upheld with respect to the conviction for the misdemeanor. And I say that only because I don't know what type of a history this has occurred before the new Board. But I do know that for a fact because I gathered all of the pleadings on it, when we were preparing something for Officer Poullard, which for other reasons never got that far. That in fact it was a negligent homicide case of a police officer north of here, I don't recall exactly where. where they contested it and that way he did not become decertified. So it is not an automatic and as a procedure. And of course we all know that. Number one. Number two, I still have a bone to pick with the MLOTC because they appear to me at least in formulating these new rules have this picked and chosen what is a felony. And this statute itself specifically says this is a misdemeanor.

Chairperson Norris stated now I understand that argument. But you'd agree that's the position that MLOTC has taken.

Atty. Goldpaugh stated that appears to be at this point. Correct. The other thing I would also disagree with Ms. Ninowski in her raising up **Poullard** to state that **Poullard** deals with the situation they were before today. **Poullard** was a clear case where Officer Poullard pled no contest to negligent homicide and also pled guilty to OUIL. When the felony conviction, I'm sorry, when the felony charge which we never contested was no longer in existence, the past practice and the history was that the officer under most circumstances would be reinstated to the payroll pending the outcome of departmental charges. We requested that Officer Poullard be returned to work under those circumstances and the department refused. The grievance addressed that issue and so therefore it took into account not just mere allegations of negligent homicide but a conviction for negligent homicide. It also went on to say that true negligent homicide was a misdemeanor but you could still look at all the underlying actions and what had actually been proven, the OUIL, etc. to determine whether or not the suspension without pay...

Chairperson Norris stated so the facts and circumstances were more than just the negligent homicide.

Atty. Goldpaugh stated exactly. Nope, more than the charges now a conviction as well as the arbitration decision went into the underlying facts.

Chairperson Norris asked do either of you know if there is a video in this case?

Atty Goldpaugh stated yes there was. I have not seen it yet. I do have discovery order filed from a criminal standpoint.

Chairperson Norris stated but presumably the prosecutor would have had access to that at this point.

Atty. Goldpaugh stated I would hope so. I wasn't part of the charge in process. But I would ask that it not be. Thank you.

Chairperson Norris asked anything else commissioners?

Atty. Ninowski stated I just have a very short response to a question that was posed earlier regarding Officer Fickett and the suspension without pay hearing. I indicated that there is a memorandum dated October 18, 2001 wherein the department petitioned for suspension without pay before the Board of Police Commissioners. That petition was withdrawn by the department. Thank you.

Unless contravened by this Commission, the above suspension without pay will stand.

There were no contraventions to the above suspension without pay.

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
Weekly Count of Complaints:	45	518
Weekly Count of Allegations:	72	940
Arrest	3	32
Demeanor	18	315
Entry	1	14
Force	5	75
Harassment	4	40
Procedure	30	303

Property	1	43
Search	0	31
Service	10	81

Pending Cases

As of June 11, 2003, the Office of the Chief Investigator (OCI) has a total of **518 pending cases**, which include **170 cases** with an age of 0-45 days, **43 cases** with an age of 46-60 days, **84 cases** with an age of 61-90 days, and **102 cases** with an age of 91-120 days, and **119 cases** with an age of 121 days – 6 months.

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During the past week:	12	Year to Date:	484
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5. CHIEF'S REPORT

DETROIT POLICE DEPARTMENT MIND'N OUR BUSINESS

Board of Police Commissioners

The Detroit Police Department's mission is building a safer Detroit through community partnerships. Therefore, the following enforcement actions were conducted during the week of June 11th – 17th, 2003:

ORGANIZED CRIME AND GANG DIVISION

The Conspiracy Intelligence, South-East, North-West and Vice Sections conducted five enforcement actions that resulted in (3) misdemeanor, (7) felony arrests. These enforcement actions resulted in the confiscation of 7 grams of marijuana and 64.4 grams of heroin with a total street value of \$115,948.00. \$2,740.00 in U.S. currency and (9) vehicles were confiscated from these enforcement actions.

TENTH PRECINCT

On June 13, 2003, officers of the Tenth Precinct were on patrol and received information and a mug profile of a wanted homicide subject. While patrolling the 2600 block of Hogarth, the officers observed an individual that fitted the description of the wanted subject. Upon further investigation, the officers notified the Homicide Section and were advised to arrest and convey to the subject to Homicide.

SPECIAL RESPONSE TEAM (S.R.T.)

On June 17, 2003, members of S.R.T. participated in the "Police Safety Day," at the Northwest Early Childhood Center. The event was attended by 130 students, comprised of preschoolers and kindergartners. The areas of discussion were bike safety, seatbelt safety and the dangers associated with strangers.

Chief of Police Jerry A. Oliver, Sr.

6. PRESENTATION – DOJ MONITOR

Chief Oliver stated madam chair, members of the board, I'd like to take the opportunity to introduce the person who has been designated as the independent monitor. There is still some work to do as you know. But she has been designated as the independent monitor, I wanted to get Ms. Sheryl Robinson of Kroll & Associates to the Board as we discussed last time so that she can have an opportunity to make a brief presentation about what the monitor is and what the monitor does and answer any questions that you may have. So with that I would like to introduce Cheryl Robinson.

Sheryl Robinson stated good afternoon to Chairperson Norris and to the commissioners. I welcome this opportunity to speak with you. As the chief has pointed out, we, Kroll and myself, we're subject to court approval and the court has not signed that order yet. So I do want to preface my statements by saying that. But I would like to take this opportunity to introduce myself and to also tell you about monitorships; what monitors we've done in the Los Angeles Police Department; what we see the role as a monitor as; and what some of our first steps would be if and when we are officially appointed as the independent monitor in Detroit. And then I'll be happy to take any questions. I don't know if there is a time limit.

Chairperson Norris stated not for you.

Comm. Vann stated yeah, we need to hear from you.

Sheryl Robinson stated ok. Well great. One thing, I just want to talk about what is a monitor's role. And as we see it, our role is really to develop a methodology. We are looking at two, in this case, consent judgements. And our role is really to take the consent judgements and within the four corners of those documents and develop a methodology for evaluating and for measuring compliance by the Detroit Police Department with the requirements that are clearly laid out in those agreements. We also offer technical assistance. Upon request, we will provide technical assistance to the department and their implementation of any of the things that are in these two consent decrees. Our ability to provide technical assistance I'll talk about a little later as I talk about our qualifications, and then

also to evaluate progress and to report. We're to provide quarterly reports and those will be made available to the public. What the monitorship is not is not to displace the Mayor or the Chief of Police or the Board of Police Commissioners or any other city official or city employee. We're really to fairly and independently evaluate compliance with this agreement and to report on that. We also are there to help facilitate change by providing technical assistance by making recommendations where we feel is necessary. Our duties are clearly outlined in both consent judgements, it is a very transparent process as our reports that would be made available to the public every quarter. We really reporting to the judge, that is our role, we are appointed by the judge, we report to the court.

How do we do it – the monitorship? We develop a team, it is not going to be one individual person, it will be a team of individuals with various areas of expertise, which will include law enforcement practices, information technology, use of force issues, civil rights issues, database management, monitoring, and auditing. All of those things that are very important in order to carry out compliance with the agreements. Most of our resources will come from within our company and we have individuals with those areas expertise and we will hire any outside law enforcement experts as necessary.

We currently serve as a monitor of the Los Angeles Police Department. We have a depth of resources at our company, we are a 30-year-old company, and we have over 2,000 employee's worldwide and 60 offices worldwide. So we do have the depth to take on the monitorship of two major police department's.

We think that our monitorship of LAPD although, every city is unique, and certainly Detroit has its own set of unique needs, we think that our abilities are increased by having served as monitor of LAPD. The learning curve that any monitor must undergo will be greatly decreased because we have gone through the process of at least of developing a methodology to measure compliance in LA, and so that would be decreased.

We have also developed, in addition to developing the compliance, we assisted that police department and provided technical assistance, are in the area of an early warning system, a risk management program, which is required under one of the consent judgements, and we have helped LA to develop their early warning system, which is called TEAMS2.

We also have provided assistance to them developing an audit unit in LA, which there is a number of audits that must be done through both of these agreements and we will be able to assist the department in developing audit units.

I will talk about a couple of other things before I talk about a couple of other things, before I talk about our first steps of how we think we should proceed if we are formally appointed. With communications, if we are formally appointed, one of the first things that we will do is meet with city officials, the Mayor, the

Corporation Counsel, City Council, the Chief of Police, the command units, the Board of Police Commissioners, the Compliance Coordinator (which has been designated by the Chief), Internal Affairs, the Office of the Chief Investigator, the Inspections Unit and etc. We will be having those meetings because we need to familiarize ourselves with the culture of the Detroit Police Department (DPD) and with the database systems and the organizational structure of the Department. We will be doing all of that as soon as we are formally announced. Of course, we wanted to take this opportunity to speak with you even before that happens.

The other thing that we will do is to meet with the unions as well as the community and community groups in getting their information and input with regards to the monitoring. We will provide an address for the monitor, a designated phone number and an email address, so that people can contact us. We will not be giving press conferences on a regular basis. We will speak to the public mostly through our public reports, although there may be times when it is appropriate to speak to the media. In addition we want to establish open communications with all of the parties here, that is very important, one of the most important things for compliance. We will work closely with the Department's compliance coordinator and the team that they are currently setting up. As far as, internal systems, we will develop a number of protocols initially. A security protocol in regards to all of the documents that we will receive from the department. Document handling protocol, which are protocols for our activity reports that we will be doing for site visits that we will be doing at the Department. So those are just some of things. I will be happy to take your questions, if I haven't covered what you are looking for.

Questions/Answers:

Chairperson Norris stated I want to thank you and the Chief for being here today. We met with the Chief last Thursday before the press conference and impressed upon him what we felt was the importance of getting you in with us as quickly as possible and I appreciate that you have made the effort to be here today. I also want to tell you that the commission has strongly supported the reforms that are set forth in the not yet adopted, but soon to be consent decrees and we are looking forward to working with you on that.

I saw in the paper that you said that one of your first task was going to be to get up to speed with the culture and those kinds of things in the City, so we are going to give you a crash course right now. We have a staff and I anticipate that you or your people will at times will be working with our staff. But you need to know that our staff is not the Commission, the Commissioners are the Commission and working with us means really working with us. And I think the Chief will tell you that we take the time that we need to take to do what needs to get done even though we are not full time people here. So we look forward to....

Comm. Vann stated like LA.

Chairperson Norris stated it is always risky to speak for my fellow Commissioners, but I think that I could do this one for at least the ones that are present. I think that we were all a little disappointed at the press conference and this in no way reflects on you at all. With the exception of our Chief nobody seemed to remember that we existed. There were specific statements made about every stakeholder had been consulted and a like. All five Commissioners had taken the time to be in the meeting with the Chief that morning and to be at the press conference and no one had consulted with us. We are hoping to rectify that now and that you will understand that as you are meeting with the Department and the Mayor's office we are really the third prong in that group, when it comes to the Department. I think that we see our role with you being two-fold. One is I know that there are issues in the consent decree that deals specifically with the Office of the Chief Investigator and I am sure that you will be working with our staff on that and we are looking forward to that. Another is a number of policy issues in the consent decree and the way that works and the Chief and his staff is terrific about this is that we work with his staff to develop those policies and to approve those policies. We just wanted to make sure that OCI is not all that we are because we have much broader responsibilities. As you issue reports, we would like to receive those as well because it will help us in our responsibilities with the Department, some of which will overlap with yours and some of which will really have nothing to do with each other. But as you get reports it will help us make sure that we are asking the right questions, to be doing your job. Thank you again for being here and we are really looking forward to working with you and I hope that you are looking forward to working with us the same way.

Ms. Robinson stated absolutely.

Comm. Vann stated we are very happy to receive you today and we are very happy to have you among us today. We feel very strongly that we should be a very integral part of the process. We have been working, I believe, very diligently along with the Chief to try to reform the police department. We know it is a large job. We do appreciate the Department of Justice (DOJ) and of course your firm for coming in. I have several concerns, one is the budget implications and the fiduciary responsibilities of that as it relates to the cost to the Department and the city in regards to this. He asked do you have any projected estimates of what that could be?

As you might know, our city and Department faces some very tight budget constraints. He asked is there any way based upon your experience, were you actually involved in the LA piece or just the firm?

Ms. Robinson stated I am an approved member of the LA team, but I was not there when they first got the project, when it went through the budget process. I

can't comment right now on projections, I am always afraid to give projections on budget items because if it is wrong, it will certainly come back to haunt me. Right now, we are going through a process of coming up with a detailed budget plan and we will run that through whatever approval processes that you all have here. Once we are officially appointed, I think that we will be able to do that. But certainly there were discussions of possible budgets during the interview process and certainly that might have been one of the criteria's for the City. But I am not sure how they used that and that might be something you would have to ask the parties that were present. I know that it is certainly going to be less than what Los Angeles is. I can recall being at the Department of Justice when LA was going through the budget process and them coming in asking questions about trying to redirect some grant program monies. They were also facing some fiscal crises as many cities across the country are. I think they found a way and I think that you can be assured that you are going to be able to find a way. There are a couple of costs associated in different areas of course, with all of the reforms there are costs and there is also the cost of the monitor and there are a number of cities that have gone through that. I think the costs to those cities are public information. I know that we have an 11 million-dollar contract with LAPD, but LAPD is a much larger department. Their decrees are different than your decrees, we don't expect that to nearly reach that number here. I think in Cincinnati, it has been reported at around 6.5 million for the five years for the monitor. I know it is nearly a million dollars in DC every year.

Chairperson Norris asked is that just monitor costs?

Ms. Robinson stated yes, it is just monitor costs, that is not including the early warning system and all of the other reforms that you will have to have. Certainly this is no small undertaking, we are talking about millions of dollars, yes, but I think perhaps I would suggest that Detroit take a model from other cities and kind of talk with them about how they were able to cover the costs in regards to that. I think in the coming weeks, we will be certainly able to give a more detailed budget plan.

Comm. Vann asked you spoke of two consent decrees, would you just for the sake of the citizens that are present speak to what the two briefly are about and will there be other implications far reaching beyond the two items that you are about to describe?

Ms. Robinson stated the first concerns the detention facilities and that consent judgement is for two years in duration, but there is a mechanism if there is substantial non-compliance in the two years, then there is a mechanism extending that.

The other consent decree/judgement concerns arrest and detention policies and procedures and that is for five years. The Use of Force policy is for five years also. There is a mechanism if there is substantial non-compliance for it to be

extended.

Our thought is that as monitor also if that does not happen in a timely manner, so we are committed to making that happen and providing recommendations and technical assistance in whatever we can do to move the ball along. So those are the two areas.

As far as, far reaching, each of them requires a number of things. A lot of it is policy changes, which will involve you all, the Chief and the Department in making those policy changes, some of which have been already made. Some of them are actually physical changes, especially to the detention facilities and I understand that some of that has been done as well. One of the first things that we are going to do is go to look at that, but there are some things that need to be done of course. Obviously you have policies, you write policies and then there is the implementation of those policies and carrying out duties in compliance with that policy and that is one thing that we will be looking at. Not only that there is a policy, but also that the duties are being carried out in compliance with that policy. That is something that we will be looking at and then all of the data management systems that have to be developed. There is a risk management program that must be developed prior to the actually early warning system, which I believe you have until sometime in 2005 to do, but there has to be an intern program as well.

There will be additional duties for the DPD, they now have to write status reports to the court and to the monitor after 120 days after it is signed and then every quarter after that. So there are additional duties for the Department as well and we will all be working together to carry out those duties.

Comm. Vann stated this question refers to a statement that you have made, a statement that was made by US Attorney Jeffrey Collins and also I believe by the representative from the Assistant Attorney General at the press conference. There are important questions as it relates culture of this community as to whether or not this is a take a takeover the police department. I suggested to a number of people and our public information officer that we get out ahead of the wave with the proper information as it relates to that. It was stated very strongly, but I think that that as you go before citizen groups and the community, which I am very happy to hear that you will be doing and other constituent groups, some of which who are represented here as well, form the community that it would be made very clear that it is not a take over if that is not what it is. Maybe it is just a comment and not so much question because you have addressed it.

Ms. Robinson stated it is not take over of the Department nor is it a fix all for the Department. Every issue of the Department is not contained in these consent judgements, so the public should not expect it to be a fix all and nor is it a take over. It is simply a mechanism for getting these changes done in a timely manner and for someone to evaluate and report on compliance to the court, that

is really what our role is. It is nothing beyond that, it is not to manage the police department in any way, or implement policies for the police department for that matter, nor will we attempt to do so.

I will say that the community should not expect that this will overnight, it will not happen quickly. There will be times when the Department will be in non-compliance with these consent judgements if other cities are of an example. It has happen everywhere, where there has been this sort of thing and Detroit is not the first police department to have this sort of decree or agreement. It will not happen immediately. Change takes time and effective change really takes even more time, so that is what we really expect.

Comm. Vann asked what about in regards to implications in the union contract?

Ms. Robinson stated the consent judgements do cove, I think in paragraph nine (9) it says that they are not meant to have any detrimental effect on the collective bargaining agreements. That really is something that goes toward the parties with regard to that, we are certainly going to be a resource with regard to providing information in trying to make recommendations on best practices that would not have a detrimental effect. However, when those issues arrive and the union has concern the mechanism would be to go to court because this is really a court ordered consent judgement and the court would have to make a decision with regards how to proceed, so that is what I expect to happen.

Chairperson Norris asked is it fair to say that the court, if this is approved that the court orders that these changes get made, the court and you don't really trouble yourself a whole lot with the process by which we get there as long as we get there. If we don't get there then there is going to be a lot of looking at why and what we need to do to change that?

Ms. Robinson stated I think the monitor will trouble, we will trouble ourselves at looking at why you aren't there. In fact, in our reports we will state if it is a fact that the police department wants to get something done, but there is some other impediment to it happening, we will state that in our reports. So we will look behind the issue of why something is non-compliance and state the reasons that we found that there is non-compliance. So we will concern ourselves with that.

Chairperson Norris asked if the Chief brings a policy to us and we say no, you don't tell us to vote yes, but you would say that the Commission is standing in the way of this one, the policy is there and drafted and ready to go and then we will all deal with what the ramifications of that is?

Ms. Robinson stated if we thought the policy was necessary to comply with the agreement, which is certainly one example of what could happen.

Comm. Ramirez stated I look at your office and look at it as a federal audit that

we get for medical. We do ours every three years, but our audit only works if we had like a quality insurance committee going on every six months. I am pretty sure that there is going to be something going on within the DPD where there is a phase where we don't have to.... She asked are you supposedly here until 2005 maybe?

Ms. Robinson stated in 2008.

Chairperson Norris stated when we all are gone.

Comm. Ramirez stated so I can see where quality insurance committees are being placed where there could be short version audits to make sure that policies and procedures are being done.

Ms. Robinson stated sure.

Comm. Ramirez stated the one thing is to do policy and procedures and you could put the book on the shelf and nobody is looking at it, but when they have constant workshops and in service, I could see it working very well. I am sure as you mentioned, hopefully that is what is going to occur.

Ms. Robinson stated certainly, if I could say that, one of the goals is to leave the department after these consent judgements in a place where they will carry on with the reforms that have been made and some of the units are set up to do that. This consent judgement required a lot of training that you just mentioned and they required that a number of different training courses in different changes in curriculum to kind of implement the policies that we are talking about. In addition to that the Audit Unit, the audits that the unit will learn to do and start to do as a result of these consent decrees will be carried forth years to come. An that is really one way of quality assurance is to do the audit and to make sure that the policies are being carried out and the training is being done and etc. I think the Department would be at the end of these agreements in a good place to carry that out. And that is one thing that we would like to leave if we provide technical assistance in that area, is the ability to do that sort of quality assurance.

Comm. Ramirez stated the policy and procedures that you mentioned before like communication is how the management sells, but you also have to trickle it down within the DPD so that all of the officers would know what.... That is a good thing for everybody within the Department.

Ms. Robinson stated I certainly agree and I think that you have the buy in from the top with Chief Oliver and from what I have seen demonstrated it is being rolled out in a manner that will get the top levels, the middle levels and down to the police officers on the street to buy into it. That is a process that is ongoing and we have seen it in other departments, so it is very important and I agree with that. I think the roll out plan that they have and Chief Oliver could address that

better than I, will be effective in that regard.

Vice Chairperson Hampton stated the decree is for five years and then asked has there ever been any cases reduced by the courts that are lesser than five years, based on the rate of progress?

Ms. Robinson stated for example, Pittsburgh came and asked if they could get out of their consent decree early because they had complied with everything except for one thing that they really couldn't comply with any time soon. So you certainly have that ability to go ask and that took time and it probably ended taking so much time that they didn't even get out of it early. Recently, Columbus, Ohio was able to avoid getting sued, by the Department after years of an agreement. There is certainly a mechanism for that and can certainly go to court if you feel that you are already in compliance early that can certainly happen, but not easily. I would say it based upon other existed examples.

Vice Chairperson Hampton stated based on the Charter responsibilities of the Commissioners and our obligations is very similar to yours and we would look for an open line of communication and hopefully you will be in touch with on a regular basis.

Ms. Robinson stated I think that's essential and I will certainly do that, if appointed.

Chairperson Norris thanked Ms. Robinson for coming and thanked Chief Oliver for facilitating this work.

Comm. Vann wished Ms. Robinson much success and we wish you the best.

7. OTHER BUSINESS

Chairperson Norris asked could you give us your best estimate as to when the Chief will arrive so that we could make decisions about what we do next when we return from closed session.

Unknown Male stated he is here.

Chairperson Norris stated we will go into closed session right now and then when he comes out he will be ready.

Closed Session

Chairperson Norris stated a request having been made by an employee I move that we conduct a closed session, pursuant to MCL 15.268(a) to review a

personnel matter relative to that individual.

MOTION: Commissioner Norris made the motion to go into a closed session.

SECOND: Commissioner Vann seconded the motion.

VOTE: All in attendance voted in the affirmative.

Chairperson Norris also made a motion to go into a closed session pursuant to MCL 15.268(h), so that we could consider information for law enforcement purposes which is exempt from disclosure pursuant to MCL 15.243(1)(b)(i)(ii).

MOTION: Commissioner Norris made the motion to consider the information in the closed session.

SECOND: Commissioner Vann seconded the motion.

VOTE: All in attendance voted in the affirmative.

Chairperson Norris took the following roll call vote:

Comm. Hampton stated I.

Comm. Norris stated I.

Comm. Vann stated I.

Comm. Ramirez stated I.

Chairperson Norris stated we will go into closed session as always, while we will be gathering information and deliberating into closed session, any action will be taken when we return.

The Commission went into a closed session at 3:42 p.m.

The Commission returned from the closed session at 4:16 p.m.

MOTION: Commissioner Ramirez made the motion that we officially give a written reprimand to interim Chief investigator Arnold Sheard and Executive Director Dante' Goss for reasons discussed in the closed session. I would also want to give authority to Comm. Norris to draft that memo.

SECOND: Commissioner Hampton seconded the motion.

VOTE: All in attendance voted in the affirmative.

Chairperson Norris asked is there any other business?

Chief Oliver stated I have copies of the press release regarding the 17 officers that were indicted on charges for conspiring to violate individuals constitutional rights through an investigation that started in 2002.

Chairperson Norris stated I was encouraged that we were able to find this and bring this to charges and I realize these are just allegations. She asked what are we going to do to try to fix with the effect that it had on the Fourth Precinct?

Chief Oliver stated I am not sure what changes need to be made in operations as of now. We could send TSS and resources to help the Fourth Precinct.

AC Shoulders stated I will look at this and other alternatives to find additional officers to help out at the Fourth Precinct.

Comm. Vann asked was the investigation centered around the Fourth Precinct? Is there any knowledge or suspicion that this could be happening in some other precincts as well?

Chief Oliver stated there are other allegations and investigations that we are looking into.

Comm. Vann asked could I have an explanation in regards to one of those officers that mentioned that he is living in Tampa, Florida?

AC Shoulders stated he resigned.

8. ORAL COMMUNICATION FROM THE AUDIENCE

Mr. L. Nathan Ross voiced his concern in regards to the Fourth Precinct regarding my sister-in-law was killed in a hit and run accident over several months ago. On June 16, 2003, I have talked to Officer McFadden at the Fatal Squad Unit and he stated that they are back to square one because the set of fingerprints on the car that wasn't stolen belonged to the grandmother and the older sister. He also stated he would like some closure to the death of his sister-in-law as to why Officer McFadden's supervisor can't give him enough time on the streets and enough resources to find out who was responsible for the hit and run accident.

Chairperson Norris asked Chief Oliver how should we go about this?

Chief Oliver asked Mr. Ross to speak with AC Shoulders after the meeting.

Mr. Ron Scott stated I am glad that Comm. Vann raised status to that of the constituent group. I would like to say that we are a fourth prong on the table on which the table could not rest and that is the community as the Chief has described as the individuals who are the recipients of service.

He asked Ms. Robinson what is your prospective on similarities and other activities like the collaborative agreement in Cincinnati?

In your presentation, you mentioned the City the police department, the Board of Police Commissioners and then you mentioned the citizens somewhere near the bottom. I would agree with you in that context, but the citizens hold up an undergird. As early as 1997 and 1998, we mentioned many of the things that you would be doing, with all of the blood, sweat and tears and shoe leather that we have put we would hate to think that it would just be a general synopsis, in terms of our involvement. We would like to be more specifically disposed.

Ms. Robinson stated when I mentioned all of the people that we would meet with I failed to say in no particular order, I should have said that, I meant to say that, but it is not in any particular order. I probably mentioned the parties to the actually consent judgements first because, ultimately they are responsible for getting this done and hopefully the community would be helpful in that happening.

As far as the collaborative agreement in Cincinnati, which many in this room may not know what we are talking about, but in Cincinnati they do have two agreements. The collaborative agreement talks a lot about community policing and developing the community policing there. Cincinnati's issues are different in some ways than Detroit issues and that is why they have that agreement. That agreement has parties to it that are outside of the city and the police department. It has community groups and it has the police unions and etc. there has been a lot of problems, there have been people that have dropped out of being a party of that agreement. We don't have a similar thing here, but what is similar is that we want to engage the community and get the community involved and hopefully the community would be as dedicated to achieving the goals of compliance with the agreements as the parties are.

Mr. Ron Scott stated I would like to respectfully disagree with you, Ms. Robinson. Since we are in constant contact with the individuals in Cincinnati and we know Mr. Green very well and others, that some of those things had taken place primarily because of the issues that were commiserate with what was mentioned in the current Commission report in 1968, where various bodies and parties refused to and did not cooperate overtly given the depth of racism with

the community and therefore it did not feel that the community should have a voice, certainly one that was equal to theirs. I think that the depth of racism here and you would only have to refer to this week's issue of the Metrotimes, which is a local paper here, which goes through the history of this Department and this city in voluminous ways. There have been more fatal shootings here by the police department than there were in Cincinnati. So I think that you do have many considerations that are far and above even more glaring than those in Cincinnati, which would lend itself to that kind of consideration.

PO Reggie Crawford welcomed Ms. Robinson to Detroit. As an activist and the Coalition Against Police Brutality, we are going to monitor the monitor. He also voiced his concern in regards to the 17 officers that were indicted and also about diversity in the graduation classes from the Academy.

Ms. Bernice Smith stated welcomed Ms. Robinson to Detroit. She voiced her concern in regards to a young lady having an argument with a police officer's daughter at school and she was arrested with handcuffs and chains and she was incarcerated at Gang Squad. The officer's daughter did not get arrested.

Chairperson Norris asked Ms. Smith to have the young lady give Interim Chief Investigator Arnold Sheard a call so that he could take the information for the complaint.

Mr. Craccioholio asked would the minutes that you took behind closed doors during the closed session in regards to Mr. Goss and Mr. Sheard be made public?

Chairperson Norris stated my understanding is that when we went into closed session, we went into closed session on two grounds. One was that we were discussing a personnel matter and the other was that we were discussing some investigative matters. When we go into closed session, we do keep minutes, but those minutes are also closed. We are required to keep them for a year and a day. The conclusion of that is later destroyed, they are not made public any more. But we do as we did today, which was take our action in open session and of course that action is public.

Mr. Craccioholio asked could we get those minutes or do we have to have a Freedom of Information Act?

Chairperson Norris stated if you make a FOIA request, the answer you would get is that there are exemptions to FOIA based on the certain provisions that we went into closed session for and they will not be made public.

Mr. Craccioholio asked does that mean that they are not available?

Chairperson Norris stated that is correct.

Star Ellen Carter stated thanked the police department for an incident that occurred when I was fourteen years old. I want to thank you for the Carjacking Unit dropping their bogus charges against my uncle on June 5th. She asked Chief Oliver why hasn't the department released information that could exonerate my son under indictment?

She asked Ms. Robinson do you have any way of finding out how about citizens being retaliate against once they come forth?

Chairperson Norris stated OCI is investigating a number of complaints that she has made. In terms of her son's criminal charges is there anybody that we could point her to, to make sure that the Department has all the information that the Department ought to have about that activity?

Chief Oliver stated there is still a professional accountability issue that I would like them to take a look at because it impinges on alleged misconduct of police officers. I can have DC Cureton look into that.

Ms. Walters stated on May 8th, Mr. Sheard told me that I can't prove it. I could prove a lot more and there are witnesses. It is not my job to investigate, so I am not sure if Mr. Sheard will assist the police in shredding and hiding documents.

Chairperson Norris stated the problem is that OCI is charged with specifically investigating specific complaints that you have about some misconduct. As you and I have discussed, as you know, in some cases they have upheld your complaints, in some cases they cannot determine the validity of your complaint. They can conduct those investigations, but when you tell us I have information to exonerate my son, our office does not have anything to do with criminal prosecution.

Ms. Carter stated I understand that, that is why I directed the question to the Chief.

Chairperson Norris stated I will provide DC Cureton all of Ms. Carter's information so that he can contact her.

Ms. Carter asked how responsible and reliable can you depend upon OCI because you know that the memo that was sent to City Council that was dated April 11, 2002, that OCI investigator did not give a full disclosure as to what was going on?

Chairperson Norris stated I have a lot of confidence in OCI. When you raised issues your investigation was reopened, we have looked into additional matters and we are continuing to look into additional matters. I have not heard or seen anything to suggest that OCI is not competent to investigate this or that OCI is

covering anything up. OCl cannot always conclusively reach the result that you might want them to reach and that is not to say that they are not seriously looking at all of your allegations.

Ms. Carter asked which conclusions were those?

Ms. Walters voiced her concern in regards to vehicles not pulling over when emergency vehicles have their flashing lights on and police cars are not sounding their sirens and people don't know what to do.

9. ANNOUNCEMENT OF NEXT MEETING

Thursday, June 26, 2003 @ 3:00 p.m.
Police Headquarters – Rm. 328-A
1300 Beaubien
Detroit, Michigan 48226

10. ADJOURNMENT

Meeting was adjourned at 5:20 p.m.

Respectfully Submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw